

**Notice of Allowability**

Application No.

10/662,160

Examiner

Kiet Doan

Applicant(s)

CHUEY ET AL

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/05.
2. ☒ The allowed claim(s) is/are 31, 35, 39, 42 have been renumbered 1-4 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

This office action is response to amendment file on 11/10/2005.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark D. Chuey on 11/22/2005.

The applicant has been amended as follow:

Claims 32-34, 36-38, 40-41, 43-46 are cancelled.

**Claim 1.** A programmable control for an appliance, the appliance responding to one of a plurality of transmission schemes, the programmable control comprising: a transmitter operative to transmit a radio frequency activation signal based on any of the plurality of transmission schemes; a user programming input; and control logic in communication with the transmitter and the user programming input, the control logic implementing a rolling code programming mode, a fixed code programming mode and an operating mode, the control logic in rolling code programming mode generating and transmitting a sequence of rolling code activation signals until user input indicates a successful rolling code transmission scheme, the control logic in fixed code programming mode receiving a fixed code from the user programming input then generating and transmitting a sequence of fixed code activation signals until user input

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indicates a successful fixed code transmission scheme, the control logic pausing for a preset amount of time between the transmission of each activation signal in at least one of the sequence of rolling code activation signals and the sequence of fixed code activation signals, the preset amount of time sufficiently long to permit the user to respond and, if the user has not responded by the end of the preset amount of time, the control unit transmitting the next activation signal in the transmitted sequence of activations signals, the user input including selecting one of a plurality of activation inputs, the control unit stores characteristics of the last transmitted activation signal in association with the selected one of the plurality of activation inputs, the control logic in the operating mode determines which one of the plurality of activation inputs has been asserted and transmits an activation signal based on the stored characteristics associated with the asserted activation input.

**Claim 35.** A method of activating an appliance, the appliance controlled by a radio frequency activation signal, the method comprising: if a user indicates that the appliance is activated by a rolling code activation signal, transmitting a sequence of different rolling code activation signals, each rolling code activation signal in the sequence of rolling code activation signals separated from a next rolling code activation signal in the sequence of rolling code activation signals by a preset amount of time, the sequence of rolling code activation signals transmitted until the user indicates a successful rolling code transmission, then storing data representing a rolling code scheme used to generate the successful rolling code transmission; if the user indicates that the appliance is activated by a fixed code activation signal, using a fixed code word

to generate and transmit each of a sequence of different fixed code activation signals, each fixed code activation signal in the sequence of activation signals separated from a next fixed code activation signal in the sequence of fixed code activation signals by the preset amount of time, the sequence of fixed code activation signals transmitted until the user indicates a successful fixed code transmission, then storing data representing the fixed code word and a fixed code scheme used to generate the successful fixed code transmission; and in response to an activation input, generating and transmitting an activation signal based on stored data, wherein the activation input is one of a plurality of activation inputs, the user associating data representing one of either the rolling code scheme used to generate the successful rolling code transmission or the fixed code scheme used to generate the successful fixed code transmission associated with one of the plurality of activation inputs.

**Claim 39.** A method of programming a programmable remote control, the remote control programmable to one of a plurality of appliance activation schemes, the method comprising:

receiving user type input specifying activation signal type;

if the user type input specifies variable code type, automatically transmitting variable code activation signals spaced apart by a preset amount of time until receiving user success input indicating a target appliance has been activated;

if the user type input specifies fixed code type, receiving user fixed code input providing a fixed code and transmitting fixed code activation signals spaced apart by the

preset amount of time until receiving user success input indicating the target appliance has been activated;

storing information specifying an activation signal for activating the target appliance based on the received user success input; and

associating the stored information with one of the plurality of activation inputs determined by the received user success input;

wherein the preset amount of time is sufficiently long enough to permit a user to generate the user success input.

End amendment.

***Allowable Subject Matter***

Claims 31, 35, 39 40 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art record, Tsui (Pub. No. 2002/0163440) teaches a programmable control for an appliance, the appliance responding to one of a plurality of transmission schemes, the programmable control comprising: a transmitter operative to transmit a radio frequency activation signal based on any of the plurality of transmission schemes; a user programming input (Abstract, Paragraph [0020-0022], Gig.1, No.100, Illustrate as programmable control for an appliance).

Farris (Patent No. 6,025,785) teaches and control logic in communication with the transmitter and the user programming input, the control logic implementing a rolling code programming mode, a fixed code programming mode and an operating mode, the control logic in rolling code programming mode generating and transmitting a sequence

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of rolling code activation signals until user input indicates a successful rolling code transmission scheme (C4, L14-18, C11, L44-67, C12, L46-65), the control logic in fixed code programming mode receiving a fixed code from the user programming input then generating and transmitting a sequence of fixed code activation signals until user input indicates a successful fixed code transmission scheme, the control logic pausing for a preset amount of time between the transmission of each activation signal in at least one of the sequence of rolling code activation signals and the sequence of fixed code activation signals (C6, L35-53, C7, L6-14).

However, the combine of Tsui and Farris are **fail to suggest or fairly teach** the preset amount of time sufficiently long to permit the user to respond and, if the user has not responded by the end of the preset amount of time, the control unit transmitting the next activation signal in the transmitted sequence of activations signals, the user input including selecting one of a plurality of activation inputs, the control unit stores characteristics of the last transmitted activation signal in association with the selected one of the plurality of activation inputs, the control logic in the operating mode determines which one of the plurality of activation inputs has been asserted and transmits an activation signal based on the stored characteristics associated with the asserted activation input as substantially connect and specific detail including all limitations as particularly recited in claim 35, 39, 42.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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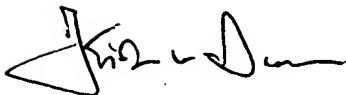
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

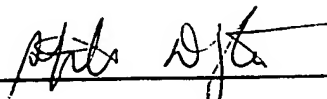
The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



11-23-05

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STEPHEN DIGOSTA  
PRIMARY EXAMINER